1952

File No. Prev. of Adult II/52 (W)

Legal Department—

B **BRANCH**

p 4(e)
1952

Subject:— Notifications under the Bombay Prevention of Adulteration Act 1925

Legal Department.

The Bombay Prevention of Adulteration Act, 1925, was brought into operation in the municipal area of the City of Poona under G.N.G.D.No. 4742/33(a) dated the 10th December 1941. It is now proposed to bring the Act into operation in those areas which were not included in the said municipal area, but are now included within the limits of the City of Poona as constituted under the Bombay Provincial Municipal Corporations Act, 1949.

2 Section 1(3) of the Bombay Prevention of Adulteration Act, 1925, provides that it shall come into operation in the first instance only in Greater Bombay and thereafter either in respect of any specified article of food or generally in respect of all articles of food in such other local area and from such date as the Government of Bombay after consultation with the local authority concerned by notification in the Official Gazette direct.

3 As the area comprised within the limits of a corporation has not been specifically included within the meaning of the term "Local Area" as defined in clause (b) of section 2 of the Act, it will be desirable also to issue a notification thereunder declaring areas within the limits of the City of Poona as constituted under the Bombay Provincial

Corporations Act, 1949, which were not included within the limits of the former Poona City Municipal area to be local areas for the purposes of the last mentio-ned Act. A draft notification to be issued for the purpose is sent herewith.

4 A revised draft notification in place of the L.S.G. and P.H.D. draft is sent herewith.

Id./..... 24/1

Additional Secretary to Governmer

U.O. to L.S.G.& P.H.D.No. 1193, dated the 25th January 1952.

SMR 3-7-56
4 Copies.

Legal Department.

The R.L.A. in his note on pp. 12-13 ante had requested the Department to consider whether the Inspector appointed under the Bombay Prevention of Adulteration Act 1925, should be empowered to launch prosecutions because he was of the opinion that it would be desirable to do so since some one should be responsible for the prosecution. Since then the said Act has been amended, and under section 12 of the Act offences under the Act have been made cognizable and non-bailable. That being so, it does not appear that it is now necessary to empower the Inspector to launch prosecutions on the lines of section 60 of the Bombay Shops and Establishments Act, 1948.

The said section 60, however, provides that no prosecution shall be instituted except by an Inspector and except with the previous sanction of the District Magistrate or the local authority. The D.P.H. has suggested the insertion of a new section 8A which also includes the provision in respect of previous sanction. Since the Act has now been amended and provides for enhanced penalties, the L.S.G.& P.H.D. is requested to consider whether provision for launching prosecutions with the previous sanction of the local authority or any officer authorised by it in that behalf may not be made in the Act. If necessary, the Municipal Corporation of

Bombay and other corporations and other important local authorities may be consulted in the matter again.

Id./..... 20/4

Additional Secretary to Government.

U.R. to L.S.G.& P.H.D.No. 19402/B dated the 20th November 1952.

S MR 3-7-56
4 Copies.